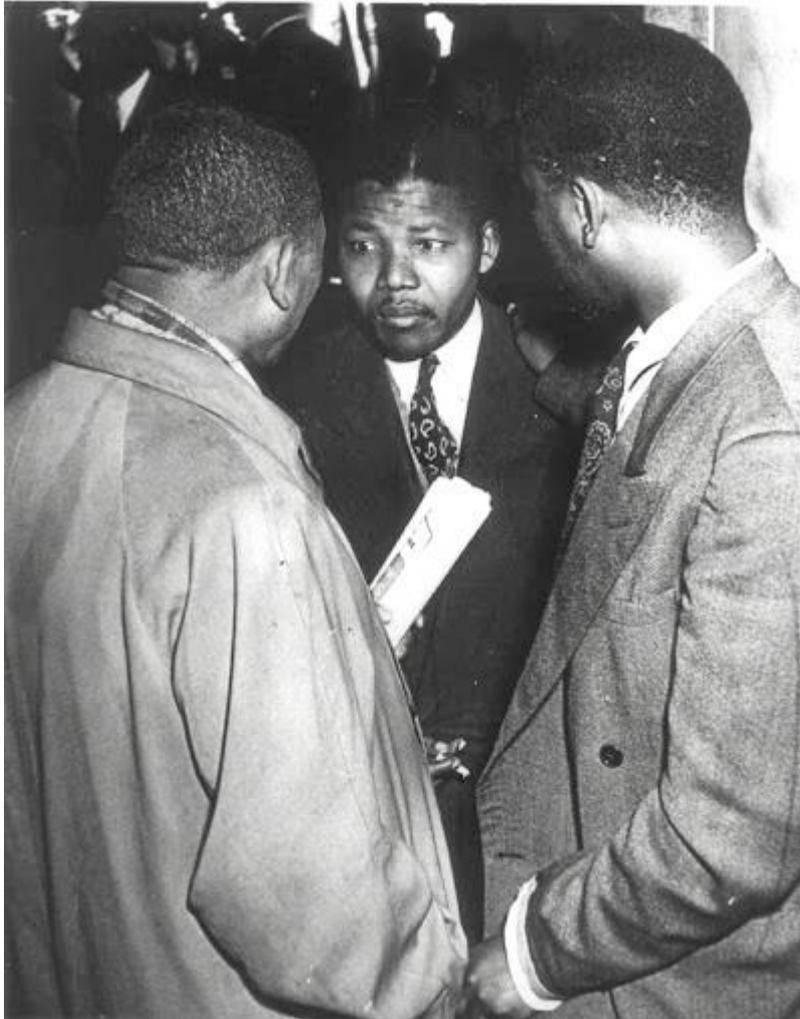


Mac Maharaj about Joel Joffe: Think of others, think of the poor

25 June 2017



Nelson Mandela and comrades during the Rivonia trial. Image: GALLO IMAGES

On May 21 I received a short e-mail from Joel Joffe. It read: "I have not been in touch with you for some time because my health is very poor ... I have been diagnosed with cancer of the lung. The name of the cancer is mesothelioma. I am now considering what to do and will let you know in due course." His condition was terminal, yet, true to himself, he wrote that "he was considering what to do"!

He was too weak for us to converse on the phone. If he had been able to, I can hazard a guess at the nature of our conversation - we would have explored a matter, and self-interest would have been the last consideration. Top of the order of priorities would be what a decision may mean for others. And when the subject allowed it, we would put the implication for the poor and the disempowered at the centre.

That was Joel. That was the driving force of his life and commitment, surpassed only by his love for and commitment to his family. He never sought acknowledgement - he simply did what he thought was the right thing to do.

The Rivonia arrests

In 1963 he was an attorney in the practice of Kantor and Wolpe when the Rivonia arrests took place. Kantor was detained. Wolpe was also detained, only to escape shortly thereafter. Almost by default, Joel became the instructing attorney in the Rivonia trial. His revulsion for apartheid grew. He also developed an almost pathological distaste for the prosecutor, Percy Yutar.

Joel and his wife, Vanetta, decided to leave South Africa - get away from the sickening racism defacing our country. The Rivonia trial would be his last case. It ended in June 1964. Then came the wave of arrests that culminated in the "little Rivonia trial", in which I was accused No5, and the separate trial of Bram Fischer and others under the Suppression of Communism Act.

The atmosphere was thick with intimidation. Finding an attorney was difficult. One of the few - already woefully overworked - was Ruth Hayman. Bram, who was out on bail, turned to Joel with a plea that he postpone his departure in order to defend one more case. When we met in the awaiting-trial cells of the court in Joburg in November 1964, Joel told me Bram had asked him to please stay on to defend me when we were brought to trial.

Joel stayed. He did not know me from a bar of soap. I doubt he had ever met David Kitson or John Matthews. I am certain he did not know Wilton Mkwazi or Laloo Chiba. He stayed because of Bram's plea and because he had come to so detest apartheid and come to know and admire Nelson Mandela, Walter Sisulu and others in the Rivonia trial.

Those were desperate days lived out in dangerous times. Mkwazi, Chiba and I planned to escape. We had the capacity to get out of Number Four prison, but we needed help once we were out. We smuggled out a message to Bram.

We were not sure the message reached him. Time was running out. In desperation I slipped across a note to Joel during consultations asking whether he would smuggle a message out. "What's it about?" he scribbled. I wrote back one word, "escape". Joel turned pale, tried to recover his breath, searching for the right words to turn me down. Flustered, he asked that I allow him to think about it.

Two days later he returned to Number Four for "legal consultations". He indicated his willingness to assist even though this would be in violation of his oath of office. Little did he know that the night before I had received a reply from Bram. We no longer needed Joel's assistance.

But that was Joel. Careful, thoughtful, willing to put the needs of others above even those of himself and his family. Afraid, yes. But fear is the best companion of bravery.

The bonds that developed between us in 1964 never frayed. Every time I turned to him for support, whether with regard to my personal challenges, the needs of the struggle or the demands of building a democratic South Africa, he was there - not as an act of charity, not as a means of increasing dependency, but as an act of empowerment.

It's a friendship my family and I shall always hold close to us as we embrace Vanetta, Debbie, Lisa, Abigail and the other members of his family.

May his memory live on, always and for all time.